IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. NO. 1069 OF 1988 (O&M)
XOBJ NO. 19-CII OF 1989
DATE OF DECISION: 17.08.2006

KARNAIL KAUR AND OTHERS

....APPELLANTS

VERSUS

KHARATI LAL AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

PRESENT: MR. G.K. CHAWLA, ADVOCATE
FOR THE APPELLANTS

MR. A.S. SULLAR, ADVOCATE
FOR THE RESPONDENTS

JUDGEMENT

This is an appeal filed by the claimants against the award dated 23.8.1988, passed by the Motor Accident Claims Tribunal, Ambala in MACT case No. 1 of 1988, for enhancement of compensation.

The claim petition arose out of an accident which took place on 16.11.1987 at about 5.30 P.M. on Jagadhri-Ambala Road due to rash and negligent driving of car bearing No. PAK-58, driven by respondent No.1-Kharati Lal in which Piara Singh died. As per the evidence on record, the deceased was 63 years of age, drawing pension from Army. After his retirement, he was engaged in agriculture and also running a dairy farm. The Tribunal assessed the loss on account of death of Piara Singh at Rs. 450/- per month and by applying a multiplier of 5, compensation was assessed at Rs. 27,000/-. Nothing more on account of funeral expenses or loss of consortium or estate was granted.

Counsel for the claimants-appellants submitted that the deceased used to earn Rs. 5,000/- per month from all sources and after his death the dairy farming business could not be continued and buffaloes owned by him had to be sold and even the land owned by him was given on

payment of half batai. The Tribunal assessed the loss on account of death of Piara Singh at Rs. 450/- per month, which according to me, is on lower side and the same deserves to be increased to Rs. 600/- per month. The multiplier applied is reasonable. Accordingly, the amount of compensation is assessed at Rs. 36,000/-. To this, a sum of Rs. 2,000/- is added as funeral expenses and Rs. 10,000/- on account of loss of consortium and estate, making a total of Rs. 48,000/-. The additional amount of compensation shall be payable to the claimants alongwith interest @ 6% per annum from the date of application till its payment.

The cross-objections have been filed on behalf of the owner and the driver, but nothing could be substantiated to take a view contrary to what has been taken. Accordingly, the same are found to be without any merit and dismissed.

The award of the Tribunal is modified to the extent indicated above and the appeal is disposed accordingly.

August 17,2006 **(RAJESH BINDAL)**
gsv **JUDGE**